IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 12453 of 2005

Between:

1 Tulsi Sivaiah, S/o. Late Tulsi Rajaiah,
Nizamabad Village, Quthubullapur Mandal, R.R.District.
2 Tulsi Ramulu, s/o. Late Tulsi Rajaiah,
Nizamabad Village, Quthubullapur Mandal, R.R.District.
3 Gandani Lakshmamma, W/o. Lae G. Pochaiah,
Nizamabad Village, Quthubullapur Mandal, R.R.District.

..... PETITIONERS

AND

1 The Secretary, Revenue Department, Secretariat, Hyderabad.
2 The District Collector, R.R.District, lakdikapool, Hyderabad.
3 the Mandal Revenue Officer, Quthbullapur Mandal, R.R.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, or order more particularly one in the nature of writ of Mandamus declaring the action of the Respondent No.2 in auctioning the open agriculture land admeasuring 2800 Sq. Mts., in survey No. 95, 2400 Sq. Mts., in survey No.96, 1400 Sq. Mts., in survey No.97, 900 Sq. Mts., in survey No. 98 situated at Nizampet village, Quthubullapur Mandal, R.R.district on 04.06.2005 vide the NEWS paper Notification Dt; 27.5.2005 which was extended to 14.6.2005 vide News dt. 04.06.2005 is as illegal, arbitrary, against to the principle of natural justice and against to the law of the state and to pass such other order or orders.

Counsel for the Petitioners:MR.V.VENKATA KUMAR

Counsel for the Respondents: GP FOR REVENUE

The Court, at the stage of admission, made the following :

-

-

-

-

-

-

ORDER:

The present writ petition has been filed for a writ of Mandamus declaring the action of the Respondent No.2 in auctioning the open land in different survey numbers, situated at Nizampet village, Quthubullapur Mandal, Ranga Reddy District, on 4.6.2005, vide newspaper notification dated 27.5.2005, which was extended to 14.6.2005, as illegal and arbitrary.

The brief facts of the case are that the petitioners, who are the agriculturists, are the permanent residents of Nizampet village, Quthubullapur Mandal, Ranga Reddy District and more than 10 families had been cultivating the lands from generations together, for the past 60 years. It is their contention that while so, the respondent No.2 is proceeding to auction the poramboke land in different survey number of the said village, through a paper notification, which is under the possession of the agriculturists. Aggrieved by the said illegal action of the respondent No.2, they preferred the present writ petition, on the ground that the said notification is in violation of Rule 4 under G.O.Ms.No.73, Revenue dated 20.1.1975, under Section 172 of the A.P. (Telangana Area) Land Revenue Act, 1317 Fasli, whereunder the powers of Collector in alienation of the land and the conditions to be followed were emphasized.

Learned Government Pleader for Revenue has obtained instructions from the

government. He also produced a copy of the G.O.Ms.No.1076 Revenue dated 18.12.2004, which was issued on the basis of the report submitted by the Collector, Hyderabad, to the effect that there are a number of Government lands of smaller size scattered in different locations in and around Hyderabad and Secunderabad. Some of these are very prime lands and that it has become increasingly difficult to protect these lands from encroachments and land grabbers. The Collector has therefore requested to permit him to auction the scattered pieces of land up to 3000 Sq.Metres in Hyderabad District. On the basis of the above said report of the Collector, the Government has permitted the Collectors of Hyderabad and Ranga Reddy Districts to put auction of the scattered pieces of Government land up to 3000 Sq.Mtrs in a phased manner duly conducting public auction after giving wide publicity in newspapers, so as to facilitate generation of revenue to the Government exchequer and also to keep unscrupulous elements under check. Accordingly, the present notification has been issued by the District Collector, which is challenged in this writ petition.

The contention of the counsel for the petitioners that the said notification is in violation of the relevant Rules and also in violation of A.P. (Telangana Area) Land Revenue Act, 1317 Fasli, cannot be accepted. Moreover, the petitioners have not assailed the correctness of the G.O.Ms.No.1076 dated 18.12.2004. In that view of the matter, I am unable to appreciate the contentions raised by the counsel for the petitioners. The writ petition is devoid of any merit.

The Writ Petition is accordingly dismissed at the stage of admission. No order as to costs.

13.6.2005

CVM

To,

1 The Secretary, Revenue Department, Secretariat, Hyderabad.
2 The District Collector, R.R.District, Iakdikapool, Hyderabad.
3 the Mandal Revenue Officer, Quthbullapur Mandal, R.R.District.

4. 2 CCs to G.P. for Revenue, High Court Buildings, Hyderabad (OUT).

5. 2 CD copies.